

REMARKS

Applicant thanks the examiner for attempting, in the proposed examiner's amendment dated September 23, 2006, to expedite the prosecution by suggesting a combination of election and amendment that would lead to allowance. Without seeing the relevant prior art and not having a clear understanding of the examiner's rationale, applicant could not commit to the proposal. However, two new claims are now presented that closely track the examiner's previously proposed claims, and should likewise be allowable.

As result of the restriction requirement, method claims 1-18 have been withdrawn, with traverse. Of the remaining apparatus claims 19-29, a three-way election of species requirement was imposed as among Species A (Fig. 2, showing washers 12, 12' in the primary and secondary stages, respectively), Species B (Fig. 3, showing a washer between primary and secondary stages.) and Species C (Fig. 4, showing two stage washing). Applicant elects Species A, without traverse.

Claims 19, 20, 21, 24, 28, and 29 and new claims 30 and 31 read on Figure 2. Claims 19 and 20 are generic independent claims that read on all the species. Claim 21 depends from claim 20, and clearly reads on washer 12 of Figure 2, whereas claim 24 depends from claim 21 and reads on washers 12, 12' of Figure 2. The examiner has already acknowledged that dependent claims 28 and 29 are generic.

Given the prosecution history to date, applicant will not traverse the election of species requirement. However, applicant requests reconsideration of the restriction requirement.


The examiner's rationale for this requirement appears to be that the independent apparatus claims cover the removal of particulate impurities from fluids including the purification of water, whereas the method claims cannot be interpreted to include the purification of water. In particular, the examiner asserts that, according to the preamble of claim 1, the output in the accepts line is a purified suspension and that this is inconsistent with the common understanding that purified wastewater cannot have any suspended particles, i.e., purified water cannot be a purified suspension. Applicant

agrees that the method claims, as well as the apparatus claims, do not require that the accepts line contain fluid that has been completely cleaned of particles.

The important point with respect to the restriction requirement, is that both independent method claim 1 and independent apparatus claim 19 have mirror image preambles and mirror image bodies, using the same terminology, i.e., the feeding of a suspension as an impure fluid flow, the purified suspension flowing through an accepts line, and removing at least some of the impurities by washing at least a portion of the impure flow.

It should be clear to anyone familiar with the field of solids removal from a fluid, that the term "impure" and "purified" in the description and all applicant's claims, do not connote purity in the sense of human health, but rather connote relative cleanliness in the context of the particular industrial process where the particulates have been generated and are to be removed. Practitioners would know what is an acceptable level of "purity" in the "accepts" line. The claimed method and apparatus can be used in a wastewater treatment facility for primary or secondary treatment with the "purified suspension" in the accepts line delivered to a final treatment. They would understand that the term "purified suspension" means the result of removing particulates from the suspension to an acceptable degree, not that the suspension in the accepts line must still be a suspension after particles have been removed.

Respectfully submitted,
Helmuth GABL

By: 

L. James Ristas
Registration No. 28,663
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: December 27, 2006
750 Main Street
Hartford, CT 06103
(860) 527-9211
Our Ref: ANDPAT/180/US

\\Alix-pw3hy3s5je\AYR\AYR saved docs\Filing Docs\Andpat\andpat180us\andpat180us122606amendment.doc